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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,870	01/15/2004	Chris Childres	UP11	3426
34356	7590	03/15/2005	EXAMINER	
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓  
**Office Action Summary**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/756,870	CHILDRES ET AL.
	Examiner Christopher Boswell	Art Unit 3676

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4-7,9-12,14 and 15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-7,9-12,14 and 15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: Claim 9 depends from cancelled claim 8; the examiner believes claim 9 is to depend from claim 7, and will be examined accordingly. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, 9-12, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 1,359,213 to Welch, in view of U.S. Patent Number 3,959,995 to Fletcher.

Welch discloses the invention substantially as claimed. Welch discloses a locking device having a plurality of non-linear locking members (10 and 12) each having a first end portion pivotally connected to each other for allowing the plurality of locking members to be selectively moved between open (figure 3) and closed (figure 2) positions,

each the plurality of locking member further having a second end portion removably engageable with each other when positioned about a perimeter of a shaft (7), a plurality of hasps (16 and 22) secured to the plurality of locking members and being engageable with each other when the lock is moved to a closed position, the plurality of hasps each having an aperture (21) formed therein and being alignable with each other for receiving a lock (17) therethrough to thereby maintain the device at a closed position, a first locking pin (13) secured to one the plurality of locking members and extending outwardly therefrom, the first locking pin being positionable into a shaft for preventing the shaft from moving beyond a predetermined position, and a second locking pin (15) secured to another the plurality of locking members and extending outwardly therefrom towards the first locking pin and being removably positionable into a shaft, the first and second locking pins being oppositely spaced from each other (figure 2), as in claims 1-2, 5, 7, 10 and 12. However, Welch does not disclose the locking members have a plurality of elongated sections pivotally connected to each other. Fletcher teaches of a segmented locking device having a plurality of locking members having a plurality of elongated sections pivotally connected to each other (figures 2-6) in the same field of endeavor for the purpose of establishing a locking device that is hinged together in a manner that it can be collapsed into a compact configuration and carried in an individual's pocket (column 1, line 65-column 2, line 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate additional hinges into the locking members of Welch, as taught by Fletcher, in order to have the locking device of Welch being able to collapse into a compact configuration so as to be easily stowed away.

Welch also discloses the first locking pin having an end portion (the junction disposed between the end of the pin and the locking members) disposed adjacent another the plurality of locking members, as in claims 4, 9, and 14, as well as the plurality of locking members are formed to have substantially arcuate shapes (figures 2 and 3) for engaging about a shaft, as in claims 6, 11, and 15.

***Response to Arguments***

Applicant's arguments, see page 2, lines 2-10, filed February 22, 2005, with respect to the rejection(s) of claim(s) 1, 7, and 12 under 35 U.S.C. 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied reference in view of an additionally reference.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to segmented locking assemblies:

U.S. Patent Number 6,427,499 to Derman, U.S. Patent Number 5,913,906 to Strocchi, U.S. Patent Number 5,475,993 to Kuo, U.S. Patent Number 4,760,718 to Muramatsu et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7087. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER  
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March 8, 2005